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Attorneys for Plaintiff Tower Insurance Company of New York

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

TOWER INSURANCE COMPANY OF NEW YORK, a New York corporation,

Plaintiff,

v.

ROSE CITY AUTO GROUP, LLC, an Oregon limited liability company; **LEONARD M. SHILEY**, an individual; **TERESA BYLE**, an individual; **LOGAN DRIEDRIC**, an individual; **JOANNA STONER**, an individual; **STEPHEN STONER**, an individual; **LOVE MARTINO**, an individual; **ANAN SRIVILAI**, an individual; **CAMERON JOHNSON**, an individual; **JONATHAN GILBERT**, an individual; **TINA HARRAL**, an individual; **ROY WIEGAND**, an individual; **NATHAN LANGER**, an individual; **KAREN BERSINE**, an individual; **MELISSA STEVENS**, an individual; **TONY EDWARDS**, an individual; **DEBBIE RECKTANGLE**, an individual; **RODNEY JENKINS**, an individual; **STEPHEN SCHANTIN**, an individual; **BRITTANY LAWRENCE**, an individual; **MATT REED**, an individual; **SHERIAL REED**, an individual; **RACHEL SCHANTIN**, an individual; **EZEKIAL HUNT**, an individual; **BOBBY HEAGLE**, an individual; **LANEY BLANKENSHIP**, an individual; **LONNEY FRANCIS**, an individual; **OREGON COMMUNITY CREDIT UNION**, an Oregon non-profit entity; **TWINSTAR CREDIT UNION**, a Washington nonprofit corporation; **LOBEL**

Case No. 14-cv-00975-MO

MOTION TO WITHDRAW FUNDS

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1591.001-01137867; 1

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FINANCIAL CORPORATION, a California corporation; **THE EQUITABLE FINANCE COMPANY**, an Oregon corporation; **UNITUS COMMUNITY CREDIT UNION**, an Oregon non-profit entity; **WESTLAKE FLOORING COMPANY LLC, DBA WESTLAKE FLOORING SERVICES**, a California limited liability company; and **DOES 1-30**,

Defendants.

MOTION

Plaintiff Tower Insurance Company of New York ("Plaintiff") moves the court for an order to withdraw the sum of \$12,170.42 from the \$40,000 Bond Proceeds that Plaintiff deposited into the Court's registry fund.

MEMORANDUM IN SUPPORT OF MOTION

On or about December 15, 2014, this Court entered an Order to Deposit Funds (Docket # 35). In conformance with that Order, Plaintiff deposited the sum of \$40,000 into the Court's registry.

On November 20, 2014, this Court entered an Order for Interpleader Discharging Plaintiff from Further Liability, and for an Award of Plaintiff's Costs and Attorney Fees. (Docket # 32). In that order, the Court ruled that "Tower shall be allowed to recover from the Bond Proceeds the sum of \$12,170.42 ... The clerk of the court is hereby directed to disburse from the registry of the court, the sums awarded to Tower." In conformance with that order, Plaintiff now files this Motion to Withdraw Funds from the Court's registry, pursuant to Local Rule 67-3.

At this time, Plaintiff does not request any additional withdrawals from the \$40,000 Bond Proceeds. With regard to the remainder of the funds deposited into the Court's registry, Plaintiff requests that the Court ascertain who of the Claimants on the Bond have established valid claims against the Bond (if any) and determine what share

of the Bond Proceeds each claimant is entitled to receive (if any). If any funds remain after all valid claims have been paid, then Plaintiff will request that such funds be returned to Plaintiff via a supplemental Motion to Withdraw.

DATED this 17th day of December, 2014.

STEWART SOKOL & LARKIN LLC

By: s/ Lawrence A. Wagner
Lawrence A. Wagner, OSB #024770
lwagner@lawssl.com
*Attorneys for Plaintiff Tower Insurance
Company of New York*

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **MOTION TO DEPOSIT FUNDS** on:

Michelle M. Bertolino
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121 SW Morrison Street, Suite 600
Portland, Oregon 97204
Attorneys for Defendant Unitus
Community Credit Union

Daniel L. Duyck
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Attorneys for Defendant Westlake Flooring
Company LLC dba Westlake Flooring
Services

by the following indicated method or methods:

✓ by **E-filing** a full, true and correct copy thereof to the attorney at the electronic mail address reflected on the court's CM/ECF system, on the date set forth below; and on

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CERTIFICATE OF SERVICE - 1

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by the following indicated method or methods:

✓ by **mailing** a full, true and correct copy thereof in a sealed, first-class postage-paid envelope, and addressed to the attorney as shown above, the last-known office address of the attorney, and deposited with the United States Postal Service at Portland, Oregon on the date set forth below.

DATED this 17th day of December, 2014.

s/ Lawrence A. Wagner
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Attorneys for Plaintiff Tower Insurance
Company of New York